

REMARKS

This is intended as a full and complete response to the Office Action dated July 8, 2009, having a shortened statutory period for response extended three months set to expire on January 8, 2010. Please reconsider the claims pending in the application for reasons discussed below.

Statement of Substance of Interview

On January 7, 2010, a telephonic interview was held between Walter C. Grollitsch and the Examiner. The parties discussed the cited references Hamsund (U.S. 6,511,414) and Franz (U.S. 5,707,337). Claims 1 and 17 were also discussed.

The arguments and amendments herein are presented in accordance with the substance of the interview to place the application in better condition for allowance.

Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1, 3-7, 9-14, 16-17 and 20-21 under 35 U.S.C. § 103(a) as being unpatentable over Hamsund (U.S. 6,511,414) in view of Franz (U.S. 5,707,337). In response, Applicant has amended independent claims 1, 10 and 17.

As amended, claims 1, 10 and 17 recite, among other things, the limitations of an airflow chamber substantially disposed between a portion of an outer shell and a planar portion of an inner shell, wherein the airflow chamber is designed to supply an incubator chamber with air via flow apertures formed in the planar portion of the inner shell, and wherein a vortex rotation (or turbulent flow) may be established within the airflow chamber to mix inflowing ventilation air or medicine. The combination of Hamsund and Franz fails to disclose these limitations. As discussed during the interview, Hamsund fails to disclose an airflow chamber substantially disposed between a portion of an outer shell and a planar portion of an inner shell, wherein the planar portion includes airflow apertures. As also discussed, Franz fails to cure the deficiencies of Hamsund. As the foregoing illustrates, the combination of Hamsund and Franz fails to teach or suggest all the limitations of claims 1, 10 and 17. This failure precludes the combination of Hamsund and Franz from rendering claims 1, 10 and 17 obvious. Therefore, Applicant

respectfully requests the 103(a) rejection of claims 1, 10 and 17 be removed and allowance of the same. Additionally, the claims that depend from claims 1, 10 and 17 are allowable for at least the same reasons as claims 1, 10 and 17.

The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Hamsund, Franz and Paschal (U.S. 6,418,932). Applicant respectfully traverses the rejection. Claim 8 depends from claim 1. As set forth above, the combination of Hamsund and Franz fails to disclose all the limitations of claim 1. Further, Paschal fails to cure the deficiencies of the combination of Hamsund and Franz. As such, the combination of Hamsund, Franz and Paschal fails to render claim 8 obvious. Therefore, Applicant believes that claim 8 is in condition for allowance and respectfully requests withdrawal of the § 103(a) rejection.

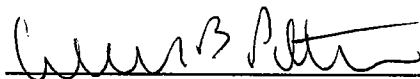
Claim Objection

The Examiner objected to claim 14 because of informalities. Applicant has cancelled claim 14, thereby obviating the objection.

Conclusion

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,



William B. Patterson
Registration No. 34,102
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)